

**United States Bankruptcy Court  
Central District of California  
Riverside  
Judge Scott Clarkson, Presiding  
Courtroom 126 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 126**

10:00 AM

**6:16-17203 Ray Carnes and Stephanie Lukehart-Carnes**

**Chapter 7**

**#1.00**

Buckley Madole, P. C. -movant attorney

Motion for Relief from Stay

Toyota Motor Credit Corporation vs. DEBTORS'  
(Motion filed 9/30/16)

Re: 2015 Toyota Prius

**(Tele. appr., Mark Estle, rep. Creditor Toyota Motor Credit Corporation)**

EH\_\_\_\_\_

Docket 21

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - VOLUNTARY  
DISMISSAL OF MOTION FILED 11/1/16 - [Docket No. 24]**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Ray Carnes

Represented By  
Eliza Ghanooni

**Joint Debtor(s):**

Stephanie Lukehart-Carnes

Represented By  
Eliza Ghanooni

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Erica T Loftis

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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10:00 AM

**CONT... Ray Carnes and Stephanie Lukehart-Carnes**

**Chapter 7**

**United States Bankruptcy Court  
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**Hearing Room 126**

10:00 AM

**6:16-17227 Roberta Valenzuela**

**Chapter 7**

**#2.00**

Cooksey, Toolen, Gage, Duffy & Woog - movant attorney

Motion for Relief from Stay

Wells Fargo Bank vs. DEBTOR, Karl Anderson  
(Motion filed 10/5/16)

Re: 2015 HONDA CIVIC, VIN 2HGFB2F54FH552710

EH\_\_\_\_\_

Docket 9

**Tentative Ruling:**

Grant pursuant to 11 U.S.C. §362(d)(1) and §362(d)(2) with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Movant to lodge an order within seven (7) days.

<b>Party Information</b>
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**Debtor(s):**

Roberta Valenzuela

Represented By  
Andrew Nguyen

**Movant(s):**

Wells Fargo Bank, N.A., dba Wells

Represented By  
Jennifer H Wang

**United States Bankruptcy Court  
Central District of California  
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10:00 AM

**CONT... Roberta Valenzuela**

**Chapter 7**

**Trustee(s):**

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:14-11770 Elaine M Penaloza**

**Chapter 7**

**#3.00**

Hrg. on U.S. Trustee Motion filed 9/30/16 for Order Compelling Attorney to File Disclosure of Compensation Pursuant to 11 U.S.C. § 329 and Federal Rule of Bankruptcy Procedure 2016

EH\_\_\_\_\_

Docket 32

**Tentative Ruling:**

Tentative for 11/1/16 is to GRANT.

<b>Party Information</b>
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**Debtor(s):**

Elaine M Penaloza

Represented By  
Timothy Reed

**Trustee(s):**

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Riverside  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:14-13160 Jose Luis Carbajal and Elvira Carbajal**

**Chapter 7**

**#4.00**

Hrg. on First and Final Application filed 10/11/16 for approval of fees and reimbursement of expenses by Shulman Hodges & Bastian LLP

**(Tele. appr., Elyza Eshaghi, rep. Trustee John Pringle)**

EH\_\_\_\_\_

Docket 152

**Tentative Ruling:**

Tentative for 11/1/16 is to DENY without prejudice.

This matter must be heard with the Trustee's Final Report, pursuant to LBR 2016-1(c)(4)(B)-(C).

No appearances are required.

<b>Party Information</b>
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**Debtor(s):**

Jose Luis Carbajal

Represented By  
Qais Zafari

**Joint Debtor(s):**

Elvira Carbajal

Represented By  
Qais Zafari

**Trustee(s):**

John P Pringle (TR)

Represented By  
Leonard M Shulman  
Elyza P Eshaghi  
Lynda T Bui

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:15-14716 Color Quest, Inc.**

**Chapter 7**

**#5.00**

Hrg. on Trustee Final Report and Application for Compensation  
EH\_\_\_\_\_

Docket 37

**Tentative Ruling:**

Tentative for 11/01/16 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Trustee will be so notified.

Trustee to lodge an order within seven (7) days

<b>Party Information</b>
--------------------------

**Debtor(s):**

Color Quest, Inc.

Represented By  
Julie Philippi

**Trustee(s):**

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Riverside  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:15-15002 Gustavo Daniel Dorati**

**Chapter 7**

**#6.00**

Hrg. on Debtor's Motion filed 9/29/16 re Objection to Claim Number 2 by  
Claimant LVNV Funding, LLC

**(Tele. appr., Elyza Eshaghi, rep. Trustee Helen Frazer)**

**(Tele. appr., Caroline Kim, rep. Debtor Gustavo Daniel Dorati)**

EH\_\_\_\_\_

Docket 119

**Tentative Ruling:**

Tentative for 11/01/16 is to DENY without prejudice for improper service.

Although Movant served the objection to the address listed in the notice section of the proof of claim, Movant did not serve the objection pursuant to FRBP 7004, as required by this Court's procedures pertaining to Service of Claim Objections (and posted on the Court's website).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gustavo Daniel Dorati

Represented By  
Caroline S Kim

**Trustee(s):**

Helen R. Frazer (TR)

Represented By  
Leonard M Shulman  
Elyza P Eshaghi



**United States Bankruptcy Court  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:15-15002 Gustavo Daniel Dorati**

**Chapter 7**

**#7.00**

Hrg. on Debtor's Motion filed 9/29/16 re Objection to Claim Number 3 by  
Claimant LVNV Funding, LLC

EH\_\_\_\_\_

Docket 120

**Tentative Ruling:**

Tentative for 11/01/16 is to DENY without prejudice for improper service.

Although Movant served the objection to the address listed in the notice section of the proof of claim, Movant did not serve the objection pursuant to FRBP 7004, as required by this Court's procedures pertaining to Service of Claim Objections (and posted on the Court's website).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gustavo Daniel Dorati

Represented By  
Caroline S Kim

**Trustee(s):**

Helen R. Frazer (TR)

Represented By  
Leonard M Shulman  
Elyza P Eshaghi

**United States Bankruptcy Court  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:15-16616 Salvatore Mangiafreno and Francesca Mangiafreno**

**Chapter 7**

**#8.00**

Hrg. on trustee's final report; applications for compensation

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/01/16 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Trustee will be so notified.

Trustee to lodge an order within seven (7) days.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Salvatore Mangiafreno

Represented By  
Andrew Nguyen

**Joint Debtor(s):**

Francesca Mangiafreno

Represented By  
Andrew Nguyen

**Trustee(s):**

Todd A. Frealy (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 126**

11:00 AM

**6:15-17456 Rafael Jose Sanchez**

**Chapter 7**

**#9.00**

Hrg. on Trustee's Final Report and applications

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/01/16 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Trustee will be so notified.

Trustee to lodge an order within seven (7) days.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rafael Jose Sanchez

Represented By  
Steven A Alpert

**Trustee(s):**

Todd A. Frealy (TR)

Represented By  
Robert A Hessling

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 126**

11:00 AM

**6:15-17631 Mario E. Najarro**

**Chapter 7**

**#10.00**

Hrg. on U.S. Trustee Motion filed 9/30/16 for Order Compelling Attorney to File Disclosure of Compensation Pursuant to 11 U.S.C. § 329 and Federal Rule of Bankruptcy Procedure 2016

EH\_\_\_\_\_

Docket 113

**Tentative Ruling:**

Tentative for 11/1/16 is to GRANT.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mario E. Najarro

Represented By  
Timothy Reed

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Riverside  
Judge Scott Clarkson, Presiding  
Courtroom 126 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:15-19864 Manuel Perez Garcia and Sandra Perez**

**Chapter 7**

**#11.00**

Hrg. on trustee's final report; applications for compensation

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/1/16 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Trustee will be so notified.

Trustee to lodge an order within seven (7) days.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Manuel Perez Garcia

Pro Se

**Joint Debtor(s):**

Sandra Perez

Pro Se

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 126**

11:00 AM

**6:15-22226 Brannon Dale Heathman and Stephanie Lynn Heathman**

**Chapter 7**

**#12.00**

Hrg. on trustee's final report; applications for compensation

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/1/16 is to APPROVE as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Trustee will be so notified.

Trustee to lodge an order within seven (7) days.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brannon Dale Heathman

Represented By  
Shawn Anthony Doan

**Joint Debtor(s):**

Stephanie Lynn Heathman

Represented By  
Shawn Anthony Doan

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:16-11093    Gregoria Burciaga**

**Chapter 7**

**#13.00**

Hrg. on Debtor's Motion filed 9/27/16 that the Court Reconsider its Prior Order of June 22, 2016, Denying Debtor's Motion to Avoid Judicial Lien (Real Property) and Allowing Debtor a Hearing on Debtor's Motion to Avoid Judicial Lien (Real Property) Filed May 25, 2016

EH\_\_\_\_\_

Docket        26

**\*\*\* VACATED \*\*\*    REASON: Order granting motion entered 10/25/16**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregoria Burciaga

Represented By  
Ronald L Brownson

**Trustee(s):**

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Riverside  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

11:00 AM

**6:16-17927 Synergy Group HCM, Inc.**

**Chapter 7**

**#13.10**

Whelan Law Group, A Professional Corporation - movant attorney

Motion for Relief from Stay  
(Motion filed 10/20/16)

Re: ACTION IN NON-BANKRUPTCY FORUM RE: Enforcement of Judgment

EH\_\_\_\_\_

Docket 40

**Tentative Ruling:**

Tentative for 11/1/2016:

None listed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Synergy Group HCM, Inc.

Represented By  
James D. Hornbuckle

**Trustee(s):**

Charles W Daff (TR)

Represented By  
Thomas H Casey



**United States Bankruptcy Court  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**6:15-17799 Wrightwood Guest Ranch LLC**

**Chapter 11**

**#14.00**

Hrg. on Application for Compensation for Douglas A Plazak, Creditor  
Committee Attorney, Period: 10/5/2015 to 12/31/2015, Fees: \$20,569.50,  
Expenses: \$482.93.

(Cont. from 8/16/16)

EH\_\_\_\_\_

Docket 145

**\*\*\* VACATED \*\*\* REASON: Order Approving Stipulation and vacating  
hearings on interim fee applications entered on 10/27/16 - jc**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wrightwood Guest Ranch LLC

Represented By  
Riley C Walter  
Michael L Wilhelm

**United States Bankruptcy Court  
Central District of California  
Riverside  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**6:15-17799 Wrightwood Guest Ranch LLC**

**Chapter 11**

**#15.00**

Hrg. on Application for Compensation by Walter & Wilhelm Law Group for Wrightwood Guest Ranch LLC, Debtor's Attorney, Period: 8/26/2015 to 12/31/2015, Fee: \$162,328.50, Expenses: \$10,921.40.

(Cont. from 8/16/16)

EH\_\_\_\_\_

Docket 153

**\*\*\* VACATED \*\*\* REASON: Order Approving Stipulation on 10/27/16 -  
jc**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wrightwood Guest Ranch LLC

Represented By  
Riley C Walter  
Michael L Wilhelm

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**6:15-17799 Wrightwood Guest Ranch LLC**

**Chapter 11**

**#16.00**

Hrg. Application for Compensation by Baker Manock & Jensen for Wrightwood Guest Ranch LLC, Special Counsel, Period: 8/27/2015 to 11/30/2015, Fees: \$10,757.50, Expenses: \$106.28

(Cont. from 8/16/16)

EH\_\_\_\_\_

Docket 151

**\*\*\* VACATED \*\*\* REASON: Order Approving Stipulation on 10/27/16 -  
jc**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wrightwood Guest Ranch LLC

Represented By  
Riley C Walter  
Michael L Wilhelm

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**6:15-17799 Wrightwood Guest Ranch LLC**

**Chapter 11**

**#17.00**

Hrg. on Application for Compensation by Hall & Company for Wrightwood Guest Ranch LLC, Accountant, Period: 8/31/2015 to 12/31/2015, Fee: \$32,508.25

(Cont. from 8/16/16)

EH\_\_\_\_\_

Docket 152

**\*\*\* VACATED \*\*\* REASON: Order Approving Stipulation on 10/27/16 - jc**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wrightwood Guest Ranch LLC

Represented By  
Riley C Walter  
Michael L Wilhelm

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**6:15-17799 Wrightwood Guest Ranch LLC**

**Chapter 11**

**#17.10**

Hrg. on Chapter 11 Status Conference

(Cont. from 7/19/16)

**(Tele. appr., Matthew Bunting, rep. Debtor Wrightwood Guest Ranch LLC)**

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/1/2016:

The Court has received and reviewed the status report [Dk. 425] and will CONTINUE this matter to 1/10/2017 at 1:30 p.m. A status report is due 14 days in advance.

Appearances are excused for the 11/1/2016 hearing.

\*\*\*\*\*

Tentative for 7/19/2016:

The Court has received and reviewed the status report [Dk. 310] and will CONTINUE this matter to 10/18/2016 at 1:30 p.m. A status report is due 14 days in advance.

\*\*\*\*\*

Tentative for 5/10/16:

The status conference is CONTINUED to 7/19/2016 at 1:30 p.m. A status report is due 14 days in advance.

\*\*\*\*\*

**United States Bankruptcy Court  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**CONT... Wrightwood Guest Ranch LLC**

**Chapter 11**

Tentative for 3/1/16:

The status conference is CONTINUED to 5/10/16 at 1:30 p.m. A status report is due 14 days in advance.

Appearances are excused.

\*\*\*\*\*

Tentative for 1/12/16:

See tentative for #20.

Personal appearances by all parties, except the United States Trustee, are required in Courtroom 5C, located at 411 West Fourth Street, Santa Ana, CA 92701.

\*\*\*\*\*

Tentative for 12/1/2015:

The Court will CONTINUE this matter to 1/12/2016 at 1:30 p.m. to coincide with the hearing on the disclosure statement.

<b>Party Information</b>
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**Debtor(s):**

Wrightwood Guest Ranch LLC

Represented By  
Riley C Walter  
Michael L Wilhelm

**Trustee(s):**

Richard J Laski (TR)

Represented By  
Aram Ordubegian  
M Douglas Flahaut

**United States Bankruptcy Court  
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**Tuesday, November 01, 2016**

**Hearing Room 126**

1:30 PM

**6:16-11880 Ambassador Energy, Inc.**

**Chapter 11**

**#18.00**

Hrg. on Debtor and Debtor-in-Possession Motion filed 9/29/16 for approval of interim professional fees and expenses

**(Tele. appr., Matthew Eandi, rep. Creditor MyBusinessLoan.com LLC)**

EH\_\_\_\_\_

Docket 109

**Tentative Ruling:**

Tentative for 11/1/16:

The Court has some concerns about Debtor's counsel's interim fee application that it would like to discuss with Debtor's counsel:

1. The Application contains vague billing entries. The Court has an independent duty to examine the reasonableness of the fees and expenses requested by retained professionals. *In re Auto Parts, Inc.*, 211 B.R. 29, 33 (9th Cir. B.A.P. 1997). Pursuant to 11 U.S.C. § 330, the Court may award reasonable compensation to a professional person employed under § 327, for actual and necessary services rendered. See 11 U.S.C. § 330(a)(1)(A). In determining the reasonableness of compensation the Court can consider a variety of factors including, whether the services were necessary to the administration of or the completion of a case, whether they were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the issue, and whether the compensation is reasonable based on the customary compensation charged. See 11 U.S.C. §§ 330(a)(3)(C), (D) and ( F).

Non-exhaustive examples of certain vague billing entries are:

3/17/16	LC	Discussion of bankruptcy documents with attorney	.1	\$16.50
3/17/16	LC	Assisted attorney with bankruptcy		

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**Hearing Room**

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1:30 PM

**CONT...**

**Ambassador Energy, Inc.**

**Chapter 11**

		documents	.3	\$49.50
3/18/16	RBR	Correct filing regarding petition	.5	\$187.50
3/27/16	RBR	Email with creditor regarding status	.10	\$37.50
3/28/16	RBR	Phone call with Sean Johnson trying to resolve issues	.40	\$150.00
3/29/16	RBR	E-mail with Barry Rudolph	.10	\$37.50
4/8/16	RBR	E-mail and calls with client	.20	\$75.00
4/18/16	RBR	E-mail communication with office of UST	.10	
		\$37.50		
4/26/16	RBR	Call with client regarding MOR	.10	\$37.50
5/10/16	RBR	Phone call with attorney from UST office	.10	\$37.50
7/4/16	RBR	Call regarding status	.30	\$112.50
8/24/16	RBR	Email	.20	\$75.00

2. The Application contains billing entries for clerical services. Services that are clerical in nature are properly chargeable to the firm as an overhead expense and not to the bankruptcy estate. *In re Sonicblue Inc.*, 2006 Bankr. LEXIS 1576 (Bankr. N.D. Cal. July 20, 2006). The following services and the supervising of any of the following activities may be clerical in nature: downloading files, indexing, locating and retrieving, filing, electronically filling, organizing, forwarding and serving documents, conducting PACER searches, preparing proofs of service, scheduling or calendaring, and filing and serving pleadings. *Id.* See also *In re Michael J. Schneider*, 2007 Bankr. LEXIS 3652 (October 22, 2007) (Application incurred for monitoring and reviewing the docket, calendaring, organizing documents and files, ordering transcripts, locating, retrieving, and distributing documents, serving pleadings and preparing proofs of service, and e-filing and uploading pleadings, which must be absorbed by the applicant's firms as an administrative expense).

Non-exhaustive examples of clerical entries are:

3/15/16	LC	Data input for bankruptcy forms	3.8	\$627.00
3/16/16	LC	Scanned tax return documents	.10	\$16.50
3/16/16	LC	File maintenance - scanned documents for files.	.30	\$49.50
3/17/16	RBR	Review of ECF issues regarding modifications and acceptance	.30	\$112.50
3/18/16	RBR	Provide information and retainer regarding		



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CONT...	Ambassador Energy, Inc.	Chapter 11
	fee application to accountant .10	\$37.50
3/22/16	LC File maintenance - scan and file electronic copies and file hard copies .70	\$115.50
3/25/16	LC Telephone call with DDS Legal re ordered certified copy of initial petition .10	\$16.50
4/12/16	LC Traveled to Riverside County Recorder's Office and submitted over-the-counter certified copy of initial petition for recording .60	\$99.00
4/25/16	RBR Call with Judge's Clerk regarding Status Conference, review of tentative ruling .20	\$75.00
6/20/16	RBR Call with Steve .10	\$37.50
6/24/16	RBR Send Schedule E-F to D. Webster .10	\$37.50

3. Additionally, the Court questions the reasonableness of a \$2,197.80 expense for "Service of Process for Emergency Service of Order Cont. Conf and Hearing on Conditional Approval and Confirmation of Plan via Choice." Although the Court granted the Debtor's emergency motion, the hearing was continued as a result of deficiencies within the filed documents.

Appearances required.

<b>Party Information</b>
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**Debtor(s):**

Ambassador Energy, Inc.

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
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**Hearing Room 126**

1:30 PM

**6:16-11880 Ambassador Energy, Inc.**

**Chapter 11**

**#19.00**

Hrg. on Conditional Approval of Disclosure Statement and Confirmation of Plan

(Cont. from 9/13/16)

**(Tele. appr., Matthew Eandi, rep. Creditor MyBusinessLoan.com LLC)**

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/1/2016:

The Court would like to discuss some concerns it has with the Plan and Disclosure Statement:

1. The plan does not state whether Class 4 is impaired.
2. Class 5, the unsecured creditors class, needs to be updated to reflect "Class 5" references instead of references to "Class 4" (because the current Class 5 was formerly Class 4). These appear to be typographical errors.
3. The Plan and Disclosure Statement each contain a statement that the Court continued the hearing from September 13, 2016 to allow the Debtor to amend and "to resolve concerns in the First Amended Disclosure Statement and Plan, including providing for re-balloting *as necessary*." Dk. 114, pg. 1 of 43, lines 23-24 (emphasis added). This statement does not clearly disclose the fact that a revote was required by this Court. The letter attached to the disclosure statement and plan is more direct, but it is located at the very end of these documents. See Letter, Dk. 114, pg. 43 of 48.
4. The Amended Disclosure Statement includes a new paragraph concerning warranty claims [see Dk. 114, Pg. 14]; however, it does not

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appear to provide adequate information. It says that the Debtor provides a "one-year structural defect warranty" to its customers with regard to roof-top installations which would be covered by insurance, and that no claims have been received from any past customer regarding putative defects. The Court's concern was about *notice* being provided to warranty claimants whose claims may have arose pre-confirmation. The disclosure statement provides no information about whether these potential warranty claimants received any notice.

5. The disclosure statement reflects \$161,523 in cash on hand. See DS, pg. 8, line 2. However, the most recent MOR filed 10/24/16 [Dk. 122] indicates that cash on hand is \$74,060.31 and that cash profit is *negative* \$91,157.94.

Appearances required.

\*\*\*\*\*

Tentative for 9/13/16 is to DENY:

This matter was continued from 8/30/16 by an Order entered 8/19/16 [Dk. 67] ("Order"). The Order identified multiple issues with the Disclosure Statement and Plan, established deadlines for the filing of an amended Plan and Disclosure Statement, objections, etc., and required service of the Order upon all creditors.

Objections to the Amended Disclosure Statement have been filed by the United States Trustee on 9/6/16 [Dk. 87] and creditor OneSource Distributors, LLC on 9/6/16 [Dk. 86], both of which appear well-taken.

In addition to the issues identified in the Objections, the Court notes the following issues:

1. Service Issues. The Order required that "The Debtor must serve this order upon all creditors by Friday, August 19, 2016 at noon. Service must be effectuated by overnight mail and U.S. mail." [Dk. 67, ¶12].

a. The docket does indicate that the Order was served as ordered. Without service of the Order upon all creditors (including, as noted below,

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Chapter 7 Trustee Robert Whitmore and all priority wage claimants), creditors are not aware of the deadlines. The United States Trustee also points out that Debtor failed to provide sufficient notice to creditors of their right to object to the disclosure statement.

b. Robert Whitmore, the Chapter 7 Trustee of the Chapter 7 case of Steven Fulgham (the Debtor's CFO and an interest holder in the Debtor), does not appear to have been served with any of the documents or even made aware of the filing. Mr. Whitmore, as Trustee, may be interested in Mr. Fulgham's ownership interest. Although Mr. Fulgham valued his interest in his case at \$0.00, the plan proposed provides for a 100% payout with all interest holders retaining their interest.

2. Priority wage claimants. Although the original schedules state that there are no priority unsecured claims, the Amended Disclosure Statement, at Footnote 3, identifies the claimants by name with a statement that they "all received notice of the relevant upcoming hearing in this case and will be served with copies of the Plan and Disclosure Statement." The amounts owed to each, and the periods, however, are not identified. Without such information, neither the Court nor the claimant can they verify the amount and priority status. Further, these claimants were not served with a notice of bar date (see Notice of Bar Date, Dk. 53 filed 5/19/16).

3. Warranties. Does the Debtor provide warranties on any of its sales, installation, or maintenance? If so, there may exist an additional creditor body that has not been identified, served, or notified of its rights.

4. Feasibility. The MORs indicate that the Debtor is operating and has largely operated at a negative. The Debtor indicates that its income is expected to significantly increase as a result of newly entered into contracts. The terms of the contracts are not disclosed.

Appearances required.

\*\*\*\*\*

Tentative for 8/30/16 is to DENY:

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1. The Court is in receipt of a "Notice of Hearing for Confirmation of Chapter 11 Plan of Reorganization" dated 7/27/16, which it cannot locate on the docket and thus does not appear to have been filed.
2. The Debtor did not separately file the Disclosure Statement and Plan, which are attached as exhibits to the "Motion for Conditional Approval of Disclosure Statement and Scheduling Confirmation Hearing" filed 7/22/16 [Dk. 59]. Attaching these key documents as exhibits to a motion which itself does not reference them in its title as being attachments is insufficient to provide notice as to their existence or where they are located.
3. None of these documents appear to have been served on the Chapter 7 Trustee (Robert Whitmore) in a case filed by Debtor's CFO, Steven Fulgham, on 5/20/16, case no. 6:16-bk-14554-SC. Mr. Fulgham scheduled his interest in Debtor at \$0.00 (and was not exempted), asserting he owned 15% of Debtor. Debtor's disclosure statement, however, indicates Mr. Fulgham's interest is 17.89% [Dk. 59, pg. 3:10]. The disclosure statement does not address Mr. Fulgham's bankruptcy filing.
4. The Court is unable to verify service on Debtor's employees. The disclosure statement and plan indicate that employees are owed priority wage claims of \$29,252.14 [Dk. 59-1, pg. 6:11-12] , but the employees do not appear to be identified or served.
5. The timing of the proposed payment to unsecured creditors is internally inconsistent. In one place, the disclosure statement states that the payments will be made monthly [Dk. 59, DS, pg. 5:26-28]; however, elsewhere it states the payments will be made *quarterly* [Dk. 59, DS, pg. 11:15-17].
6. The liquidation analysis [Dk. 59, pg. 17-18] improperly does not address the assets Debtor presently has and improperly summarily states, without analysis, that there would be no remaining cash after increased administrative expenses and lost asset-value due to "fire sale."
7. The feasibility analysis is insufficient. Debtor's projections are not explained, nor are they corroborated by Debtor's previously filed MORs. The projections anticipate significant increases in revenue, without explanation of

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any methodology. The MOR filed 8/1/16 [Dk. 64] indicates cash on hand is \$31,733.10 (which was not listed in the Liquidation Analysis), but also states that the business also operated at a negative cash profit of \$16,559.11 for the month. The 8/1/16 MOR also projects a negative cash profit for the following month of \$19,619.00.

8. Ownership is not fully explained. Not only is Mr. Fulgham's bankruptcy filing not disclosed, or the fact that the stock is presently held by his Chapter 7 Trustee, the disclosure statement does not disclose who the "other individuals and couples" are that hold the remaining shares. Moreover, with respect to post-confirmation management, the "Future Ownership" section just references the majority owner. This is not adequate information. Is Mr. Fulgham going to stop working for Debtor? What about the other insiders?

Appearances are required.

<b>Party Information</b>
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**Debtor(s):**

Ambassador Energy, Inc.

Represented By  
Robert B Rosenstein

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**#20.00**

Hrg. on Chapter 11 Status Conference

(Cont. from 9/13/16)

**(Tele. appr., Matthew Eandi, rep. Creditor MyBusinessLoan.com LLC)**

EH\_\_\_\_\_

Docket 0

**Tentative Ruling:**

Tentative for 11/1/16:

At the 9/13/16 hearing, the Court specifically instructed Debtor's counsel to file a status report 14 days in advance. An untimely status report was filed on 10/25/16 [Dk. 125] with no explanation for the tardiness.

Appearances required.

\*\*\*\*\*

Tentative for 5/10/16:

The Court is inclined to set the following dates/deadlines:

1. Deadline for filing a Plan and Disclosure Statement: July 15, 2016. The failure to time file a plan and disclosure statement may result in the dismissal or conversion of the case.
2. Deadline for filing proofs of claims claims: July 5, 2016, with notice of the deadline served upon all creditors by no later than May 17, 2016
3. Deadline to Object to claims - August 31, 2016
4. Deadline to file any avoidance actions - August 31, 2016
5. Continued status conference: August 30, 2016 at 1:30 p.m. A status

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report is due 14 days in advance.

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Debtor is to lodge a scheduling order within seven (7) days.

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Tentative for 4/26/16:

This matter is CONTINUED to 5/10/16 at 1:30 p.m. to allow Debtor time to file the budget, with an appropriate declaration, required by this Court's order entered 3/7/16 [Dk. 7]. The budget and declaration are to be filed by no later than 5/2/16. A new status report is not required for the 5/10/16 status conference.

No appearances are required for the 4/26/16 hearing.

<b>Party Information</b>
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**Debtor(s):**

Ambassador Energy, Inc.

Represented By  
Robert B Rosenstein